

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CONGREGATION RABBINICAL COLLEGE OF  
TARTIKOV, INC., RABBI MORDECHAI BABAD,  
RABBI MEILECH MENCZER, RABBI JACOB  
HERSHKOWITZ, and RABBI CHAIM ROSENBERG,

**7:20-cv-06158-KMK**

Plaintiffs,

-against-

VILLAGE OF POMONA, NY and BOARD OF TRUSTEES OF  
THE VILLAGE OF POMONA, NY,

Defendants.  
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**DECLARATION OF CHAIM ROSENBERG**

Chaim Rosenberg, declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a Plaintiff in this lawsuit.
2. I am a citizen of the United States and of New York. I was born in Canada.
3. I live in Spring Valley, New York.
4. I speak Yiddish, French and English.
5. I am part of the Hasidic and Orthodox Jewish communities. and I believe that I am religiously obligated to marry at a young age and have a large family.
6. I am married and have 8 children.
7. I believe that Jewish law or *Halakhah* is a religiously based system, and that my religious beliefs require me to obey its tenets. There are different sources of Jewish law which I believe embody the word and will of God and which I believe are authoritative.
8. The religious basis for having a large family is rooted in Genesis: G-d told Adam and Eve, representing all humankind to "be fruitful and multiply." Genesis 1:28; and again after the flood that consumed almost all of humankind, G-d repeated this command to Noah and his sons on the Ark, Genesis 9: 1, 7, and to Jacob when he entered the land of Israel, G-d said to him: "I am the Almighty G-d; be fruitful and multiply." Genesis 35:11.
9. Jewish law imposes conjugal duties upon me and my wife while forbidding us to engage in family planning and forbidding us from using birth control.

10. I was born in Montreal, Quebec, Canada.
11. After high school, I went to Israel to two different yeshivot, or schools where you study the Talmud; I was in Israel for three and a half years.
12. After Israel, I got married in Monsey, New York.
13. I believe that I am biblically commanded to engage in rabbinic study, the study of Torah.
14. Because the study of the Torah should be constant, I believe that for any time I am unjustifiably detracted from Torah study, I commit the sin of bitul Torah (waste of the Torah).
15. Since I got married, I have been at Kollel Belz studying the Talmud.
16. I have continued in my Talmudic studies in preparation to study at Tartikov because I have a goal and purpose of becoming a rabbinical judge based on my religious beliefs.
17. My goal is to become a rabbinical judge.
18. Doing so will allow me to fulfill a religious duty and belief; if G-d gives someone the ability to study and to finish all the books of the Talmud and the Shulchan Aruch, then I'm obligated to do so.
19. As a matter of religious faith, I believe that we Jews are prohibited from resolving our disputes in secular courts, so there is a need for rabbinical judges.
20. Jewish religious sources explain that by serving as a judge and resolving disputes between people according to the true intent of the law, I will be a partner with G-d.
21. By settling disputes between people, I believe that dayanim (religious judges) enable the world to continue to exist, because without courts and due process of law, anarchy would ensue.
22. The sages say that by sitting in judgment, the rabbinical judge basks in the presence of G-d because the Holy One, blessed be He, leaves the highest heavens and causes His Shekhinah (Divine Presence) to rest at the judge's side thus, serving as a religious judge is a spiritually fulfilling act.
23. As a matter of religious faith, I believe that only qualified Jewish religious judges shall hear and decide disputes between and among Jews.
24. Disobeying this religious commandment is very serious because, I believe, by going to the civil courts, a Jew ignores the holy laws and legal system that G-d made just for the Jewish people and instead chose the laws and rules made by man.
25. Orthodox/Hasidic Jews also look for help on a daily basis from the dayanim on

the many religious issues that come up because our religious laws direct every part of our lives.

26. I believe that our community currently does not have a sufficient number of dayanim to meet our spiritual duty of resolving our disputes through religious courts, and those judges that there are often do not have the complete training necessary to address all the matters governed by the Code of Jewish Law.

27. Jewish law (or "Halakhah") is a religiously based system; my religious beliefs require me to obey its tenets.

28. I believe that the principal body of Jewish law (known as Biblical law) was communicated in non-written form from G-d to the Jewish people through Moses. This communication had two parts. One part was intended to be, and was, committed to writing. This part is known as the "Written Torah" or the "Five Books of Moses."

29. The second part of the communication from G-d was intended not to be written, but, instead, to be taught orally directly from teacher to student. This portion is known as the "Oral Torah." Together, the Written Torah and Oral Torah constitute the Torah.

30. I believe that the Torah embodies the word and will of G-d and that it is authoritative. Therefore, I am religiously and morally obligated to follow its rules.

31. Upon hearing about Tartikov from Meleich Menczer, I committed to continue my studies to prepare and to eventually attend Tartikov when it opened.

32. It is my understanding that Congregation Rabbinical College Tartikov will be a place where one could finish within about 15 years studying all four books of the Shulchan Aruch.

33. A few years ago, along with others, I met with Michael Tauber to talk about this proposed college.

34. Tauber told me and others the idea for the Congregation Rabbinical College Tartikov; he explained the housing, shuls, transportation for the schools, and everything else.

35. I am acquainted with Rabbi Mordechai Babad and he has a reputation as a learned scholar.

36. Rabbi Babad also spoke with me to describe what we would be studying at the proposed college.

37. The planned course of study at Congregation Rabbinical College of Tartikov will lead to becoming a full-time rabbinical judge trained in all four sections of the Shulchan Aruch.

38. This program will guide our study in the complete Shulchan Aruch, and we will also have courts on the campus so we can observe judges as they hear and decide cases, the practice we call Shimush.

39. At the present time, other than Tartikov's planned rabbinical college, I do not know of any rabbinical colleges that offer a directed course of study that allows one to learn all four divisions of the Shulchan Aruch.

40. To my knowledge, the kollels that do teach the Shulchan Aruch currently do not cover the entire of the four divisions of the Shulchan Aruch.

41. In other programs that I am aware of, there is no commitment to stay a certain amount of years; you might study certain sections of the Shulchan Aruch or the Talmud; you might take a test or you might not. The planned Congregation Rabbinical College of Tartikov will be different; it will teach all four books of Shulchan Aruch and it will use a concrete curriculum to do so.

42. By directed course of study, I mean that Tartikov will tell students exactly what they need to learn each semester, and that they have to take their tests and they have to review what they learned the last semester and continue on learning, go on from one book to the next. This is different from the other programs I am aware of.

43. Our studies at Rabbinical College of Tartikov will be focused on the Shulchan Aruch, which includes four categories of rabbinic law:

a. The Orach Chaim are the laws about daily life, from arising in the morning to retiring to bed: the order of prayers and blessings; laws regarding meals; laws about worshipping in the synagogue; what to do on the Sabbath and holidays;

b. The Yoreh De 'ah are laws about dietary issues ("Kosher"); laws of mourning, laws of family purity, laws about Israel, laws of religious conversion to Judaism, when interest is permitted.

c. The Even Ha'ezer are laws of marriage and divorce.

d. The Chosen Mishpat are laws of finance, civil wrongs; legal procedure and loans in Judaism.

44. My understanding of the planned facilities is that we will have a shul where we study, a synagogue to pray because we pray three times a day, housing, a huge library of the Jewish books and a mikvah (ritual bath).

45. According to the teaching of our religion, I believe that we are commanded to use a mikvah.

46. Our sages tell us and it is my religious belief that if someone wants to study the Torah, they should exile to a place of Torah, to a Torah community, a place where there are Torah scholars and people that are engaged only in learning Torah live there. This approach is necessary because our sages teach us that we should be studying before morning, in the morning, afternoon, the night, and Fridays, Shabbos, holidays.

47. This Torah Community is designed to create a living and learning religious

campus which includes total dedication to religious obligations of mastering the Code of Jewish Law to become a full-time rabbinical judge while at the same time meeting my religious obligations to my family and to worshipping G-d in the proper way.

48. The Torah Community also involves intensive learning interaction, day and night with my fellow students, teachers and lecturers.

49. Learning in this way as part of the Torah Community will allow me to have the opportunity to gain knowledge from the teachers and students by interacting with my teachers and discussing the issues with my fellow students.

50. Because I will be a part of the Torah Community, I will be able to have access to my teachers and fellow students day and night, in the study halls, courtrooms, shuls, or in the living quarters, and this will allow for constant communication and learning opportunities.

51. One part of the Torah Community is the provision of housing (at no charge) by Congregation Rabbinical College of Tartikov.

52. This part of the Torah Community will allow me to meet my religious obligations to my family by living together with them as a family, teaching my children the Torah, while at the same time meeting my religious obligations to learn and worship.

53. The Torah Community also involves students living in close proximity, allowing the religious learning process to continue even when we are not studying or eating meals together.

54. My religious beliefs motivate me to be part of such a Torah community.

55. According to my religious beliefs, I must live with my family.

56. Our sages and teachers have long taught that people who want to study the Torah should live between Torah scholars and should live between good people.

57. The other kollels in our area do not offer the kind of exile community that our sages tell us is necessary to study the Torah.

58. My experience at Kollel Belz shows why it cannot meet the standard of a Torah community; I go to kollel there from 10:00 a.m. in the morning to 2:00 p.m. in the afternoon but outside of those hours I do not have a community to study with and no one to ask questions to.

59. At Kollel Belz, I sit and read without the benefit of having a knowledgeable person answer my questions or instruct me.

60. Kollel Belz has a limited library that does not have all of the religious books needed to become qualified in the entire four categories of Jewish Law so I can become a fulltime rabbinical judge.

61. Kollel Belz does not offer or provide on campus housing.

62. Right now, I am not in a Torah community.

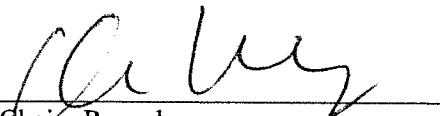
63. Not being in a Torah community means all of the distractions of the community keep you from being fully in the learning.

64. I intend to begin studies at Tartikov when the college is built and becomes operational.

65. I cannot afford to rent or purchase a single family home in the Village of Pomona.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: October 15, 2020  
Nanuet, New York

  
Chaim Rosenberg